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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,669	04/20/2000	Dennis A. Brittain	08765-003001	6175
7590	05/07/2004			EXAMINER
DENNIS A. BRITTAINE 11026 VIA TEMPRANO SAN DIEGO, CA 92124				VU, VIET DUY
			ART UNIT	PAPER NUMBER
			2154	20
DATE MAILED: 05/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/553,669	BRITTAINE, DENNIS A.	
	Examiner Viet Vu	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 March 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 141-159 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 141-150 and 152-159 is/are rejected.

7) Claim(s) 151 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

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**Art Rejections:**

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 141-148, 150 and 154-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maslov, U.S. pat. No. 6,538,673, and further in view of Brandt et al, U.S. pat. No. 6,144,990.

Per claims 141-143 and 150, Maslov discloses a system and method for capturing and storing data from a network comprising:

- a) enabling the user to specifying target data by clicking on select elements on a web page (see col 8, lines 39-44),
- b) generating one or more input parameters for allowing capture of data from the network at specified dates and times wherein input parameters are included in the HTML Post or Get request (col 8, lines 53-62),
- c) locating and extracting specified target data using input parameters (col 9, lines 1-22),
- d) storing the target data (see col 9, lines 53-61).

Maslov does not explicitly discuss substitution of variable input data in HTML documents. The use of variable input data in HTML documents is well known in the art as disclosed in Brandt (see Brandt's cols 8-11).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize substitution of variable input in Maslov because it would have enabled the web server to provide web pages with dynamic target data.

Per claim 144, it would have been obvious to one skilled in the art to realize that the automatic data capturing can be set accordance with any time table including dates and times (see Maslov's col 9, lines 62-65).

Per claims 145-147, Maslov teaches storing the script specification of the input parameters in a file (see col 9, lines 50-51).

Per claim 148, Maslov also teaches performing dynamic document object model (DOM) tree matching for locating and extracting target data (see col 8, lines 4-28).

Per claim 154, the use of character recognition to convert scanned text image into text is well known in the art.

Per claim 155, it is noted that the use of timeout to terminate nonresponsive communication is well known in the art.

Claims 156-159 are similar in scope as that of claims 141-143.

3. Claims 149 and 152-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maslov and Brandt, and further in view of Sundaresan, U.S. pat. No. 6,487,566.

Maslov and Brandt's teachings re still applied as discussed above. Neither Maslov nor Brandt teach using other known methods such as sequence bounding or tag matching to extract target data from a web documents. The use of such methods is well known in the art as disclosed by Sundaresan (see Sundaresan's cols 3-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize other known methods such as sequence bounding or tag matching to extract target data from a web in Maslov because it would have enabled the client to extract target data from web documents of particular format, e.g., XML.

**Allowable Subject Matter:**

4. Claim 151 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Response to Amendment:**

5. Applicant's arguments filed on 3/15/03 with respect to claims 141-150 and 152-159 have been fully considered but they are moot in view of new ground of rejection set forth above.

**Conclusion:**

6. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 703-305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU  
PRIMARY EXAMINER

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4/30/04